

REMARKS

Reconsideration is respectfully requested.

Claims 10-11 and 13-20 are pending and stand rejected.

Claims 10, 13, 15 and 16 have been amended. Claim 14 has been cancelled.

Claims 10-11 stand rejected under 35 USC 103(a) as being unpatentable over Kim (USP no. 5, 963, 856) in view of Sakashita (USP no. 4, 939, 789) and Enoki (JP 0729779). Claims 13-20 stand rejected under 35 USC 103(a) as being unpatentable over Kim in view of Libetreu (USP no. 5,721, 756) and Enoki.

With regard to the rejection of claims 10-11 as being unpatentable over Kim in view of Sakashita and Enoki under 35 USC 103(a), applicant respectfully disagrees and explicitly traverses the rejection of the claims. However, applicant has elected to amend the claims to further recite the method of adjusting the center frequency of each filter. Support for the amendment may be found at least on page 4, lines 27-31 and page 5 lines 3-10.

Kim discloses a wireless receiver that is divided into a plurality of smaller bands using a tunable duplexer to product IF signals of progressively lower frequencies. Kim discloses that the tunable filter 204 is tuned by control signals from receiver 213. The control signals are used to adjust switchable sections of filter 204.

In rejecting the claims, the Office Action refers to Kim as implicitly teaching a frequency deviation error or a BER that would read on a digital figure of method and the control signal tuning the filters and synthesizer of the receiver to the frequency of the received signal as disclosed by Enoki.

Enoki discloses an AFC circuit including an error rate detection circuit determining a BER and controlling a reference oscillator when the BER is lower than a prescribed value in accordance with the frequency deviation. If the determined BER exceeds the prescribed value, the frequency setting just before BER exceeded the prescribed value is latched and held so that the BER is improved to a value lower than the prescribed value.

Hence, Enoki discloses method that monitors a BER as a reference oscillator frequency is changed. Once the BER is above a predetermined level, the previous reference oscillator setting is used to set the BER just below the predetermined level.

However, Enoki fails to provide any teaching to set the oscillator frequency based on the determination of a point of inflection as the BER (i.e., FOM) as is recited in the claims. Rather Enoki merely teaches that the BER is held below a predetermined limit but does not consider whether the BER represents a point of inflection where the BER (i.e., Figure of Merit) increases if the center frequency changes in either direction.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Kim in view of Sakashita and Enoki. For the amendments made to independent claim 10 and for the remarks made herein, applicant submits that the combination of Kim in view of Sakashita and Enoki fails to include all the elements recited in the claims. Accordingly, the subject matter recited in independent claim 10 is not render obvious as the reason for the rejection of the independent claim 10 has been overcome.

Applicant respectfully requests that the rejection be withdrawn and the independent claim 10 allowed.

With regard to the rejection of claim 11, this claim depends from the independent claim 10 and, hence, is not rendered obvious by the combination of Kim in view of Sakashita and Enoki for at least its dependency upon allowable base claim 10.

With regard to the rejection of claims 13-20 as being unpatentable over Kim in view of Libetreu and Enoki under 35 USC 103(a), applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, independent claim 13 has

been amended in a manner similar to that recited in claim 10. Hence, the remarks made with regard to the Kim and Enoki are repeated, as if in full, herein.

Libetren discloses a digital receiver with tunable analog components. Libetren compares a current signal quality indicator with a past signal quality indicator (BER) and generates a digital control signal to the tunable components in response to a difference between the current and past signal quality indicators.

Libetren further discloses if the difference between the current BER and the prior BER is marginal or below a predetermined limit then no change to the tuning control is made. However, Libetren fails to disclose a plurality of filters wherein the center frequency of the filters not under adjustment are held in their current state, as is recited in the claims.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Kim in view of Libetren and Enoki. For the amendments made to the independent claim 13 and for the remarks made herein, applicant submits that the combination of Kim in view of Libetren and Enoki fails to include all the elements recited in the claims. Accordingly, the subject matter recited in the independent claim 13 is not render obvious as the reason for the rejection of the independent claim 13 has been overcome. Applicant respectfully requests that the rejection be withdrawn and the independent claim 10 allowed.

With regard to the rejection of the remaining claims, these claims depend from the independent claim 13 and, hence, are not rendered obvious by the combination of Kim in view of Libetren and Enoki for at least their dependency upon allowable base claim 13.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection of all the claims has been overcome, and respectfully requests that the rejection be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Aaron Waxler
Registration No. 48,027

By: 
Steve Cha
Attorney for Applicant
Registration No. 44,069

Date: September 10, 2008

Mail all correspondence to:

Aaron Waxler, Registration No. 48,027
NXP, B.V.
NXP Intellectual Property Department
M/S41-SJ
1109 McKay Drive
San Jose, CA 95131
Phone: (408) 434-3000
Fax: (408) 474-9081